

1 Alan Nakazawa, State Bar No. 84670
2 Dena S. Aghabeg, State Bar No. 185311
3 COGSWELL NAKAZAWA & CHANG, LLP
4 444 West Ocean Boulevard, Suite 1250
5 Long Beach, California 90802-8131
6 Telephone (562) 951-8668
7 Facsimile: (562) 951-3933

8 Attorneys for Defendants
9 KAWASAKI KISEN KAISHA, LTD. and
10 "K" LINE AMERICA, INC.

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 THE CONTINENTAL INSURANCE
16 COMPANY, a corporation,

17 Plaintiff,

18 vs.

19 KAWASAKI KISEN KAISHA, LTD.
20 D/B/A "K" LINE, a foreign corporation; "K"
21 LINE AMERICA, INC., a foreign
22 corporation; and DOE ONE through DOE
23 TEN,

24 Defendants.
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CASE NO.: 07-cv-06148 WHA

FIRST AMENDED NOTICE OF MOTION
OF DEFENDANTS KAWASAKI KISEN
KAISHA, LTD. AND "K" LINE AMERICA,
INC. TO DISMISS PURSUANT TO THE
TOKYO DISTRICT COURT FORUM
SELECTION CLAUSE IN THE BILL OF
LADING

New Date: April 24, 2008
Time: 8:00 a.m.
Location: 450 Golden Gate Ave.
San Francisco, CA
Courtroom 9, 19th Floor
Honorable William Alsup

1 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on April 24, 2008 at 8:00 a.m., or as soon
3 thereafter as counsel may be heard, in the Courtroom of the Honorable William Alsup, United
4 States District Judge, 450 Golden Gate Avenue, San Francisco, California, Defendants Kawasaki
5 Kisen Kaisha, Ltd. and "K" Line America, Inc. will and hereby do move the Court for an order
6 dismissing the within action pursuant to the Tokyo District Court forum selection clause in the
7 applicable bills of lading. The original hearing date of April 17, 2008, was changed because
8 District Judge Alsup was not available on said date.

9 The Court should grant the Motion to Dismiss on the grounds that the bills of
10 lading issued by Kawasaki Kisen Kaisha, Ltd. covering the carriage of the shipments of goods
11 explicitly provides that any action brought under the bills of lading and/or in respect to the
12 carriage of cargo shall be brought before the Tokyo District Court.

13 This Motion is based upon this Notice, the Memorandum of Points and
14 Authorities, the declarations of Sherry Johnson, and Sharon Morris, with exhibits, the [proposed]
15 order, the pleadings and documents on file herein, any further pleadings, memoranda, exhibits
16 and declarations submitted in support hereof, and oral argument as may be presented at the
17 hearing on this motion.

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19 Dated: March 14, 2008

COGSWELL NAKAZAWA & CHANG, LLP

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21 By /s/ Alan Nakazawa
22 Alan Nakazawa
23 Dena S. Aghabeg
24 Attorneys for Defendants KAWASAKI KISEN
25 KAISHA, LTD. and "K" LINE AMERICA, INC.
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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2008, a copy of the foregoing **FIRST AMENDED NOTICE OF MOTION OF DEFENDANTS KAWASAKI KISEN KAISHA, LTD. AND "K" LINE AMERICA, INC. TO DISMISS PURSUANT TO THE TOKYO DISTRICT COURT FORUM SELECTION CLAUSE IN THE BILL OF LADING** was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Jonathan Will Thames
ARCHER NORRIS
jthames@archernorris.com
kloyd@archernorris.com

James Jin-Woo Jirn
ARCHER NORRIS
jjirn@archernorris.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 14, 2008

/s/ Alan Nakazawa
Alan Nakazawa